

HOUSE JOINT RESOLUTION 771

By Bass

A RESOLUTION to propose an amendment to Article VII of the Constitution of Tennessee, to provide for duties for the office of sheriff.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SIXTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed:

That Article VII of the Constitution of Tennessee be amended by adding the following language at the end of Section 1:

The qualifications, elections, oath of office, bond requirements, compensation, and duties of the county sheriff for all counties, including any county organized under the consolidated government provisions of Article XI, Section 9, shall be governed by this Constitution and prescribed by the general assembly.

The sheriff, who shall be the chief law enforcement officer of the county in which he or she is elected shall have full law enforcement jurisdiction over his or her county and will command said county with the highest ethical standards and professionalism to insure integrity. The duties of the elected sheriff shall be as follows: It will be the duty of the elected sheriff to uphold this Constitution and the Constitution of the United States, to provide full law enforcement services through out his or her county, to assist all other municipal law enforcement agencies in his or her county, as well as providing law enforcement services for any municipality that elects not to have their own law enforcement agency.

The general duties of the sheriff shall include, but not be limited to, being the chief law enforcement officer of the county to which he or she is elected; to suppress all affrays, riots, unlawful assemblies, insurrections and breaches of the peace; detection of criminal activities; arrest of offenders; fingerprinting and record of offenders; and investigation of all felonious activity within the county and its incorporated cities. This shall include calls for service, vice violations, security for public schools, road patrol, and being responsible for the free flow of vehicular traffic along all roads, highways, and interstates within the sheriff's county and apprehension of all offenders as well as enforcement of all state, county and municipal laws and ordinances.

The sheriff will also be responsible for maintaining the jails and correction facilities of the county, providing courthouse and courtroom security, civil papers services, and providing civil and criminal warrants services, as well as those duties traditionally performed by the sheriff in accordance with common law; provided, however, that none of his or her duties can be diminished or taken away by a county's charter. Although, additional duties may be given to this office by the county's charter or by ordinance from a county's legislative body that is governed under the provisions of Article XI, Section 9.

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Seventh General Assembly and that this resolution proposing such amendments be published by the secretary of state in accordance with Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the clerk of the house of representatives is directed to deliver a copy of this resolution to the secretary of state.